

CONDOMINIUM AUTHORITY TRIBUNAL

DATE: February 20, 2026

CASE: 2025-00607R

Citation: Di Iorio v. Toronto Standard Condominium Corporation No. 2227 2026
ONCAT 31

Order under Rule 43.1 of the Condominium Authority Tribunal's Rules of Practice.

Member: Nicole Aylwin, Vice-Chair

The Applicant,

Anthony Di Iorio

Represented by Pulat Yunusov, Counsel

The Respondent,

Toronto Standard Condominium Corporation No. 2227

Represented by Inderpreet Sandhu, Counsel

WITHDRAWAL ORDER

- [1] The Applicant, Anthony Di Iorio, is a unit owner of Toronto Standard Condominium Corporation No. 2227 ("TSCC 2227" or the "corporation"). On July 9, 2025, the Applicant made a request for records to the corporation. Among other records, he requested "all records of any acoustic noise, sound or similar testing conducted during or after construction of the building."
- [2] The Stage 3 – Tribunal Decision hearing in this case began on January 12, 2026. The Applicant took the position that TSCC 2227 had refused to provide him the acoustical testing records to which he was entitled and argued that if the corporation did not have these records, it had failed to keep adequate records pursuant to the *Condominium Act, 1998* (the "Act"). The Respondent took the position that the records requested never existed and therefore could not be provided. It asserted that the absence of these records does not constitute inadequate record-keeping as prescribed by the Act.
- [3] Both parties provided opening statements on January 21, 2026. The date for the Applicant to make submissions and provide evidence was set for February 6, 2026. On February 4, 2026, the Tribunal released a decision in another case between the parties: *Di Iorio v. Toronto Standard Condominium Corporation*

No. 2227, 2026 ONCAT 11 (the “February decision”). The decision addressed similar records issues (adequacy and entitlement to records that do not exist). On February 5, 2026, the Applicant made a request to withdraw this case.

- [4] Under Rule 43.1 of the Tribunal’s Rules of Practice, the Tribunal can close a case in Stage 3 – Tribunal Decision if the Applicant has properly informed the Tribunal that they wish to withdraw their case, and the Tribunal member has agreed to allow them to withdraw.
- [5] TSCC 2227 did not object to the withdrawal but requested the opportunity to make costs submissions. I allowed both parties to make brief submissions on costs.
- [6] As there was no objection to the Applicant’s request to withdraw, I accept the Applicant’s withdrawal.
- [7] For the reasons below, I decline to award costs to either party.
- [8] TSCC 2227 submits that it should be awarded costs in the total amount of \$14,427.28. It argues that even though it repeatedly advised the Applicant that it does not have and never had the records requested, the Applicant persisted in advancing the incorrect position that the corporation ought to have the records, forcing the corporation to incur costs to defend against the claim. TSCC 2227 further submits that the Applicant’s position became particularly “unreasonable” after the Tribunal released its February decision.
- [9] The Applicant asserts that it was not unreasonable to put issues regarding entitlement and adequacy of non-existent records to the Tribunal. He further asserts that although the issue that progressed to Stage 3 – Tribunal Decision related only to the acoustical testing records, other issues related to the July 9, 2025, records request were resolved prior to the hearing in Stage 2 – Mediation. The Applicant submits that there were real records issues to be determined and that there was no improper purpose in their filing of the application. Nor was it unreasonable to seek a decision on the unresolved issues that progressed to Stage 3 – Tribunal Decision. Finally, the Applicant asserts that the bill of costs claimed by the Respondent is misleading and disproportionate to the actual costs of participating in the hearing, particularly given the early stages of the hearing. The Applicant seeks an order that TSCC 2227 reimburse him for his filing fees.
- [10] Subsection 1.44 (1) 4 of the Act states that the Tribunal may make “an order directing a party to the proceeding to pay the costs of another party to the proceeding.”

[11] Subsection 1.44 (2) of the Act states that an order for costs “shall be determined in accordance with the rules of the Tribunal.”

[12] The cost-related rules of the Tribunal’s Rules of Practice relevant to this case are:

48.1 If a Case is not resolved by Settlement Agreement or Consent Order and a CAT Member makes a final Decision, the unsuccessful Party will be required to pay the successful Party’s CAT fees unless the CAT member decides otherwise.

48.2 The CAT generally will not order one Party to reimburse another Party for legal fees or disbursements (“costs”) incurred in the course of the proceeding. However, where appropriate, the CAT may order a Party to pay to another Party all or part of their costs, including costs that were directly related to a Party’s behaviour that was unreasonable, undertaken for an improper purpose, or that caused a delay or additional expense.

[13] Costs awards are discretionary. There is no evidence before me that the Applicant has done anything in this proceeding to warrant a costs award in favour of the Respondent. There was no unreasonable behavior during the hearing and there is no evidence that the Applicant pursued the application or pursued the issues to Stage 3 – Tribunal Decision for an unreasonable or improper purpose.

[14] It does seem to be that the Tribunal’s February decision may have caused the Applicant to reconsider his pursuit of this case. The fact that the February decision was released only after this hearing had begun is not something that any party had control over or might have foreseen. Up to that point, the Applicant may have felt there was a strong basis on which to continue the case. If a review of the February decision precipitated the Applicant’s request to withdraw, this is not unreasonable, especially given that the issues addressed in that case were similar to those raised before me here. If anything, by making the request to withdraw early in the proceeding, the Applicant has chosen not to add more expenses or extend the proceeding but rather bring it to an earlier close.

[15] I decline to award costs to the Respondent.

[16] Regarding the Applicant’s request that the Respondent pay his Tribunal fees, given that this case is being withdrawn prior to a final decision, I find that there is no basis on which to award the Applicant his Tribunal fees under Rule 48.1.

[17] The Tribunal accepts the Applicant’s withdrawal, and I order that this case be closed.

ORDER

[18] The Tribunal orders that:

1. This case is closed in Stage 3 – Tribunal Decision under Rule 43.1 of the Tribunal's Rules of Practice.
2. The Users may share a copy of any document they received during the course of this case if required by law, such as to a government organization or a court.

Nicole Aylwin
Vice-Chair, Condominium Authority Tribunal

Released on: February 20, 2026